

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PRIME 4 VENTURES, INC.

X Date Purchased:
Index No.:Plaintiff,
-against-CREATIVE CONCEPTS OF AMERICA, INC.
and RED BULL, INC.

Defendants.

SUMMONSNEW YORK
COUNTY CLERK'S OFFICE
JUN 1 6 2007NOT COMPARED
WITH COPY FILE

TO THE ABOVE-NAMED DEFENDANTS: X

You are hereby summoned and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty days after the service of this summons and complaint, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is where the transaction took place.

Dated: June 1, 2007



EUGENE F. HABER
COBERT, HABER & HABER
Attorneys for plaintiffs
1050 Franklin Avenue - Suite 507
Garden City, NY 11530
(516) 248-7844

Defendants' address:

Creative Concepts of America Inc.
4300 N. University Drive, A-106
Ft. Lauderdale, FL 33351

Red Bull Inc.
2525 Colorado Avenue, Suite 320
Santa Monica, CA 90404-3596

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

Index No.

PRIME 4 VENTURES, INC.

Plaintiff,

COMPLAINT

-against-

CREATIVE CONCEPTS OF AMERICA, INC.
and RED BULL, INC.

Defendants.

-----X

Plaintiff, by its attorneys, Cobert, Haber & Haber, as and for its Complaint
set forth as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times hereinafter mentioned, PRIME 4 VENTURES, INC. was
and is a corporation organized and existing under the laws of the State of New York.

2. Upon information and belief, at all times hereinafter mentioned, the
defendant, CREATIVE CONCEPTS OF AMERICA, INC., (hereinafter "CREATIVE
CONCEPTS") was and is a corporation duly organized and existing under the laws of
the State of Florida.

3. Upon information and belief, at all times hereinafter mentioned, the
defendant, CREATIVE CONCEPTS was authorized to do business in the State of New
York.

4. Upon information and belief, at all times hereinafter mentioned, the
defendant, CREATIVE CONCEPTS did business in the State of New York.

5. That defendant, RED BULL NORTH AMERICA INC. (hereinafter "RED BULL") was and is a corporation organized and existing under the laws of the State of California.

6. Upon information and belief, at all times hereinafter mentioned, the defendant, RED BULL authorized to do business in the State of New York.

7. Upon information and belief, at all times hereinafter mentioned, the defendant, RED BULL did business in the State of New York.

8. That defendant, RED BULL, is in the business of bottling, canning, marketing and selling a high energy drink known as "Red Bull" throughout the United States and other parts of North America, and also throughout the world.

9. That heretofore the defendants RED BULL and CREATIVE CONCEPTS entered into an agreement, upon information and belief, which provided in part that CREATIVE CONCEPTS would be given the right to assist RED BULL in marketing its product through vending machines in the State of New York.

10. That on or about November 22, 2005, the plaintiff and defendant, CREATIVE CONCEPTS, entered into an agreement whereby CREATIVE CONCEPTS would sell vending machines to the plaintiff exclusively for the distribution and sale of RED BULL products and, in part, this plaintiff would be the sole distributor for said area. In addition, it was also to be a distributor in the boroughs of Brooklyn and Bronx and the counties of Nassau, Suffolk, Queens and Richmond, although in those areas it

would not be exclusive. In accordance with such agreement, the plaintiff paid to the defendant the sum of \$150,745.00 for 50 vending machines and 10,000 energy drinks.

11. Thereafter, the plaintiff accepted delivery of Fifty (50) vending machines, but soon discovered that there were other parties that defendants had contracted with to sell the RED BULL product in the County of New York, where plaintiff was to have sole distribution rights. That the acts of the defendants breached the contract between the plaintiff and the defendants.

12. That due to the foregoing, the defendants are liable to the plaintiff for the sum of \$500,000.00.

AS AND FOR A SECOND CAUSE OF ACTION

13. Plaintiff repeats, reiterates and realleges each and every allegation set forth in paragraphs numbered "1" through "12" inclusive of this complaint with the same force and effect as though more fully set forth at length herein.

14. That RED BULL knowingly entered into an agreement with CREATIVE CONCEPTS for them to market its product.

15. That RED BULL knew that CREATIVE CONCEPTS was giving an exclusive distributorship to the plaintiff in the County of New York.

16. That the act of RED BULL in permitting the sale of its product by others when it knew its agent had entered into an agreement for exclusive distributorship

of said product by plaintiff constitutes tortious interference with business opportunity, a *prima facie* tort.

17. That due to the foregoing, the defendant, RED BULL, is liable to the plaintiff in the sum of \$500,000.00.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

- (a) On the first cause of action in a sum of not less than \$ 500,000.00, together with interest, costs and disbursements;
- (b) On the second cause of action in the sum of \$500,000.00 together with interest, costs and disbursements.

Dated: June 1, 2007
Garden City, NY

COBERT, HABER & HABER


By: Eugene F. Haber, Esq.
Attorney for Plaintiff
1050 Franklin Avenue - Suite 507
Garden City, NY 11530
(516) 248-7844

STATE OF NEW YORK
SUPREME COURT

COUNTY OF NEW YORK

INDEX NO: 108075/07
FILED ON: June 8, 2007
DISTRICT:

NEW YORK COUNTY CLERK'S OFFICE
EUGENE WALTERS
Prime 4 Ventures, Inc.

Prime 4 Ventures, Inc.

— V.S.

Plaintiff(s)

**NOT COMPARED
WITH COPY FILE** *Creative Concepts of America, Inc., et. al.*

Defendant(s)

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

**AFFIDAVIT OF SERVICE
BY THE SECRETARY OF STATE**

Stephen L. Collen _____, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on July 2, 2007, at 3:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York, deponent served the annexed 'Summons and Complaint'

RED BULL NORTH AMERICA INC. h/s/a Red Bull Inc.

Defendant in this action, by delivering to and leaving with Donna Christie, Authorized Agent, in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State the statutory fee, if required. Service was made pursuant to Section 306 Business Corporation Law .

Service was completed by mailing notice of such service and one (1) true copy thereof by Registered or
 1st Class Mail and Certified Mail, # _____, Return Receipt Requested on _____
to said defendant at:

Papers so served were properly endorsed with the index number and date of filing.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 44 years Approx. weight: 130 lbs Approx. Ht.: 5'5"

Sex: female Color of skin: white Color of hair: brown Other:

Sworn to before me on July 3, 2007

Mary Anne

MARCY A. O'HARE

NOTARY PUBLIC, State of New York
No. 4865530, Qualified in Albany County
Term Expires July 14, 2010



Stephen L.

✓ Stephen L. Collen

Invoice-Work Order # 0705331

Eugene Haber

STATE OF NEW YORK
SUPREME COURT

COUNTY OF NEW YORK

INDEX NO: 108075/07
FILED ON: June 8, 2007
DISTRICT:NEW YORK
COUNTY CLERK'S OFFICE

Prime 4 Ventures, Inc.

vs

Plaintiff(s)

JULY 13 2007

NOT COMPARED
WITH COPY FILE

Creative Concepts of America, Inc., et. al.

Defendant(s)

STATE OF NEW YORK, COUNTY OF ALBANY, SS.:

AFFIDAVIT OF SERVICE
BY THE SECRETARY OF STATE

Stephen L. Collen, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on June 26, 2007, at 12:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York, deponent served the annexed Summons and Complaint

on

Creative Concepts of America, Inc.

Defendant in this action, by delivering to and leaving with Donna Christie, Authorized Agent, in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York, one (1) true copy thereof and that at the time of making such service, deponent paid said Secretary of State the statutory fee, if required. Service was made pursuant to Section 307 Business Corporation Law.

Service was completed by mailing notice of such service and one (1) true copy thereof by Registered or
 1st Class Mail and Certified Mail, # RE314663229, Return Receipt Requested on June 27, 2007
 to said defendant at: 4300 N. University Drive, A-106, Ft. Lauderdale, FL 33351

Papers so served were properly endorsed with the index number and date of filing.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 44 years Approx. weight: 130 lbs Approx. Ht.: 5'5"

Sex: female Color of skin: white Color of hair: brown Other: _____

Sworn to before me on June 27, 2007



MARCY A. O'HARE
NOTARY PUBLIC, State of New York
No. 4865580, Qualified in Albany County
Term Expires July 14, 2010



Stephen L. Collen

Invoice-Work Order # 0705330

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PRIME 4 VENTURES, INC.,

Plaintiff,

-against-

CREATIVE CONCEPTS OF AMERICA, INC. and RED BULL, INC.,

Defendants.

SUMMONS AND COMPLAINT

COBERT, HABER & HABER

Attorneys for Plaintiff
1050 Franklin Avenue, Suite 507
Garden City, NY 11530
(516) 248-7844

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document(s) are not frivolous.

Dated: *Garden City, N.Y.*
June 1, 2007

Service of a copy of the within

is hereby admitted.

Dated: *Garden City, N.Y.*
June 1, 2007

Attorney(s) for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

That the within is a (certified) true copy of a *entered in the office of the Clerk of the within-named Court on*

NOTICE OF SETTLEMENT

That an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within-named Court on

Dated: *Garden City, N.Y.*
June 1, 2007

COBERT, HABER & HABER
Attorneys for Plaintiff
1050 Franklin Avenue - Suite 507
Garden City, NY 11530

To:
Attorney(s) for